

## Complaint

My name is Adolfus Giles, and I'm filing a complaint against Wal-Mart LLC for wrongful termination, harassment, discrimination, assault & battery, negligence, hostile work environment, retaliation. The employer acted with "malice and reckless" to my rights. They performed an assault on a couple different occasions. Assault is a threat or attempted physical attack by someone who appear to be able to cause bodily harm, if not stopped. No working place is safe and immune to violence, which employers can also be made accountable, under Title VII of the Civil Right Act of 1964. For battery, because physical harassment. After being called to the office on December 6, 2007 after scanning 3 and throwing away 11 contaminated items, which was infected with maggots and bugs. That was my job duties, to keep the maggots and bugs off the floor, because of infection and oasis. Plus the items was unscannable because of the bugs. I had endurance bug bites. My work area was crowded with 64 trash cans, which had been left by other managers. That increase the bugs and causing a hostile environment, after making several complaints. I was told by a White and Mexican manager "that if bug bites take me to do my job, that's what I had to do. Plus Mexican co-worker does a better job and that I would have to step down to give him my job. Which is discrimination, and they both was being very aggressive. The same day, I was saluted for doing a great job and was given a coke card by other manager. I still have as evidence for firing me for no reason. Two months before I was fired I was given "Associate's Commendation Form." Which is the highest form you can receive for doing a good job and it's put into your personnel file. The next day I was called back to the office, after working all day and cleaning the same trash cans. Instead of trying to prevent it, they was promoting it. I was told that I was fired and assault as the manager walk me out. He started to push up on me, as we walked. I had to stop him in front of the cameras to ask him, to please stop pushing me. "You have fired me for no reason, with no warning or write up. My Matrix was absolutely clean, meaning no write up period. We proceeded to my locker, to clean it out and get my belongings. At that time, he got back into my face, after I open my locker. Yelling "hurry up and get out of here" several times, SPITTING in my face. He was prompting me to hit or fight him. Spitting on someone is against the law, if is done to insult, injure, or provoke the person. Type of touching in which is a class 3 misdemeanor. I was getting a little scared. I didn't want no conflict, so I ask him to go head and clock me out. That's when he walked me back to the clock and did a KICKING GESTURE at my BUTT, as I walk through the door. He didn't think I seen him, but I did and it's on camera. They tried to appeal my unemployment benefits and admitted to everything that was said in the room. They was trying to be smart and funny about the situation. Far as the verbal abuse, that's when I told him that I seen him. The Georgia Department of Labor judge advice them "to get off the phone now and call Wal-Mart LLC." To explain what they had did and to fix the bug problems, because of oasis. I was awarded my benefits, because they was wrong. I have the papers explaining the hole conversation, because it was being tape by Georgia Department of Labor. I was under paid fifty cent for over a year, and almost two. I brought it to their attention and complain about it several times. After seeing other co-workers, who started with me and after me, make more than me, all races and age. I was attack by a manager in the back with his elbow thirty days, before I was fired. I wrote a complaint and nothing was done. I fall up with it several times, then I was told by my manager," That he just got prompted and he want do it again, I have talk to him," as if I was a child. Wal-Mart policy is zero tolerance on horse playing, violence, and verbal

abuse. All other cases at Wal-Mart that took place, they were fired. I also had a gun pull on me, in which I had to fight over, for my life. Two co-workers was fighting over a female. One was bring a gun on plant grounds. When we was working out of town at another D.C. to help out. He had the gun on the company property, and transportation, which is absolutely against company policy. He had explain to me, what was going on and was cleaning bullets to his gun. Telling me, he was gone shoot the other co-worker at our hotel. I told because I was scared, for my safety and others. Later into the week, I was lured into a room and lock in. Then approach by the gunman and punch twice in the face for telling. It was about six to ten others in the room, boosting it up. I tried to leave out the room and the door was double locked. I advice them, that I didn't come down there for that. Then the gunman and I wrestled, because he was reaching for the gun, after hitting me again. The noise got the manager attention and he came beating on the door. The door was open and the gunman pull the gun, pointing it at me and the manager, as he grab me to fled the room. I was being hit by others in the room, as we wrestled over the gun. I was scared at that time and call my family. Everybody was scared because I was so far away and not knowing I was safe. Co-workers was made, because they were gone lose their job. Everybody was fired who was involved. Plus they allow me to get garnish twice for same debt, and trick me on my student loan. My student loan suppose to have gotten the money. Instead, they let it sat in the office for years. Before I was fired, they garnish me again, messing my credit up again, causing stress and harassing phone calls. I endurance years of harassment, verbal & physical abuse, also had a gun pull on me. I could have gotten shoot or killed working for Wal-Mart. All evidence is on paper, tape, and cameras. I suing for punitive, general, compensatory damages to teach the employer a lesson for their malicious misconduct. I know Georgia status as an employment "at will" state. Meaning Georgia law allows anyone to be fired at any time, far almost any reason, unless your company has a policy regarding termination, in which Wal-Mart does. It's called the Matrix, which is a writing up process (coaching). Plus the handbook that they present to you, when you are hired. Which they describe as the way, to make everybody be treated equal in order to write you up and terminate you. It is a step process up to a decision day. The policies should be uniformly applied to all the employee; it cannot discriminate between employees. Because of pre-fights and arguments, I was treated different. I have the right not to be discriminated against or harassed, and the right to a safe work place. I believe the Retaliation came because I told the manager, after been elbow; "that I don't come to work to be hit and my family doesn't approved it." That I wanted him to follow up and take action. The wealthy of defendant more damage awarded for punishment, because of there wealth. When the defendant is wealthy, the cap on damages radically undermines the statue's purposes. The amount require to impose meaningful punishment on a tortfeasor and to deter it from committing future acts of misconduct obviously depends on the wealth of the defendant. Under the statute, I asking the U.S. District Court to consider evidence of there revenues or network in determining to amount of damages. The company failed to respond appropriately to all of my complaints. Plus they have a "zero tolerance" toward all type of harassment, physical & verbal abuse. This wasn't a couple of days events. I had been complaining about the bugs for months. Even on one occasion, we had to put two pallets outside, because it was cover with hundreds of maggot. The EEOC has gave me my "Right to Sue". Original when I filed, I thought it was because of my race. But my evidence support more of

Wrongful Termination, Retaliation, Harassment, Discrimination, Assault & Battery, Negligence, and hostile work environment. In which EEOC deal with more of discrimination basic on race, sex, religion, national origin, age, disability.

I wrote what happen in my complaint and now I'm about to explain it. I started work, I was under paid, and I complained. I didn't take legal action, because I though it was an honest mistake. By that time, I had ran into a couple of bad managers. They were fired, because they showed favoritism, and the job wasn't getting done. That's part of life, a couple of people here and there, who isn't right. Then the gun situation, it was a serious matter. They was trying to keep it from getting blown out of proportion and keep it swept under the rug. Rumors was circulating, that I had an investigation going on, because of the managing team. A couple of people who was involved, shouldn't have been on the trip, because of their work history. You suppose to be under a step 2. The main people involved was in the process of being fired. You could see the harassment of the people who was on the trip, by the managing team. That's when I went to personnel and upped my stock deduction from fifty to seven hundred and fifty dollars. Becoming the number one associate in our D.C. and probably as an employee of Wal-mart. Hopefully, to stop being targeted and harass. Then, I felt like they took other methods and more harassment to provoke me to quit, fight, or fire me. Ignoring all of my complaints. I found myself being over worked. Seem like all the people in the office work fail on me, far as the floor work. The first day back, from every week I was overloaded. Like no one had performed the job from the weekend shift period, causing more bugs, maggots, and smell. Viewing the cameras support my claim, because my work area consist of a camera above me at all times. All I was trying to do was keep my job, and support my family. The economy being in the state it is, with all the job losses. So I worked hard and followed Wal-mart policy. I was harass, discriminated, assault, put into a hostile and life threaten situation, spit on, and a kick at the butt as I was fired. It is the truth, nothing but the truth, so help<sup>me</sup> god. I been humiliated, stress out, and my civil right violated. I asking for the subpoena, of the cameras to go along with my complaints and paper work to support my claim. Thank you

P.S. The reason why they gave me the "Associate Commendation form", Because corp. came in and my work area was the only area that stood out. I never receive "employee of the month".